

Appl. No. : 09/651,051
Filed : August 24, 2000

REMARKS

In response to the Final Office Action mailed September 4, 2003 Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Allowable Subject Matter

Applicant notes with appreciation that the Examiner has indicated that Claims 13-24 and 28 are in condition for allowance. The Examiner indicated that Claim 26 contained patentable subject matter and would be in condition for allowance if it was rewritten into independent form. In this amendment, Claim 26 has been rewritten into independent form and is thus now in condition for allowance.

Claims 1 and 3-7

Claim 1 stands rejected under 35 U.S.C. §102(b) as anticipated by Rhine (i.e., U.S. Patent No. 3,810,581). Claims 3-7 stand rejected under 35 U.S.C. §112 as dependent upon a canceled claim.

To advance prosecution, Applicant has amended these claims to more distinctly and specifically recite the claimed fuel system. Specifically, Claim 1 now recites, in part, a fuel system that includes "an elastic conduit having at least one elastic wall exposed to said high pressure fuel without intervening structures." In contrast, Rhine disclosed an accumulator that included "a piece of rigid metal tubing [with] holes in its walls." Col. 3, lines 35-40. Such a rigid structure would tend to reflect pressure fluctuations and thereby would not as effectively reduce pressure fluctuations as compared to the claimed structure. Accordingly, Applicant respectfully submits that Claim 1 is in condition for allowance.

Claim 3 has been amended to correct the informality noted by the Examiner. As such, dependent Claims 3-7 are also in condition for allowance because they depend either directly or indirectly on allowable Claim 1 and they recite additional patentable subject matter.

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Claims 25 and 26

Claim 25 stands rejected under 35 U.S.C. §102(e) as anticipated by Furuhashi et al. (U.S. Patent No. 6,230,684). The Examiner has indicated that Claim 26 contains patentable subject matter.

With respect to independent Claim 25, to advance prosecution, Applicant has amended this claims to more distinctly and specifically recite the claimed fuel system. Specifically, Claim 25 now recites, in part, a fuel system comprising "means for reducing fuel pressure fluctuations within said fuel system through radial elastic expansion." In contrast, Furuhashi disclosed a damper 29, which is shown in Figure 2. The damper 29 includes a metallic bellow 30. When the fuel pressure rises to an operating pressure, the damper 29 moves to in the direction of arrow B in Figure 2. "[I]n this state, the metallic bellows 30 stretches or shrinks, according to a variation in the fuel pressure to suppress the variation in the fuel pressure." Col. 4, lines 5-10. As such, the damper 29 reduces pressure fluctuations by absorbing pressure spikes through compression of the bellow 30 in the direction of arrow B, which is not in a radial direction. Pressure dips are reduced as the bellow stretches and moves in the direction of arrow A, which is also not in the radial direction. As such, Furuhashi does not disclose a fuel system that reduces fuel pressure fluctuations within said fuel system through radial elastic expansion as recited in Claim 25. For at least this reason, Applicant submits that Claim 25 is in condition for allowance.

Please note that a typographical error has also been corrected in Claim 25 (i.e., "fuel" was inadvertently repeated).

Withdrawn Claims

Claims 8-12, and 27 have been withdrawn as being drawn to a non-elected species. Applicant respectfully submits that Claims 1 and 25 are in condition for allowance and are generic to all of the species identified by the Examiner in Paper No. 4. As such, Applicant respectfully request that the withdrawn claims now be considered and allowed. These claims are in condition for allowance because, *inter alia*, they depend upon either directly or indirectly upon allowable Claims 1 or 25.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Rabinder N. Narula
Registration No. 53,371
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

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